

THE HONORABLE RICHARD A. JONES

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

JOHN D. KNECHT,

Plaintiff,

v.

FIDELITY NATIONAL TITLE  
INSURANCE COMPANY, MORTGAGE  
ELECTRONIC REGISTRATION  
SYSTEMS INC., DEUTSCHE BANK  
NATIONAL TRUST CO. AS TRUSTEE  
FOR GSR MORTGAGE LOAN TRUST  
2006-0A1, MORTGAGE PASS-  
THROUGH CERTIFICATES, SERIES  
2006-0A1, AMERICAN HOME  
MORTGAGE SERVICING INC.,

Defendants.

No. 2:12-cv-1575 RAJ

ANSWER TO COMPLAINT BY  
DEFENDANT DEUTSCHE BANK  
NATIONAL TRUST CO., AS TRUSTEE  
FOR GSR MORTGAGE LOAN TRUST  
2006-0A1, MORTGAGE PASS-THROUGH  
CERTIFICATES, SERIES 2006-0A1

Defendants Deutsche Bank National Trust Co., as Trustee for GSR Mortgage Loan Trust  
2006-0A1, Mortgage Pass-Through Certificates, Series 2006-0A1 ("DBNT") answers Plaintiff's  
Complaint (Dkt #1-1) as follows:

**I. PRELIMINARY STATEMENT**

DBNT responds to the Complaint based on the current information available to it and  
after reasonable investigation. DBNT reserves the right to amend this Answer based on  
information made available through discovery or further investigation. Unless specifically

1 admitted below, DBNT denies each and every allegation, claim, and prayer for relief contained  
2  
3 in the Complaint.  
4

## 5 **II. RESPONSE TO COMPLAINT**

6  
7 1. Answering Paragraph I.1 of the Complaint, DBNT responds that the documents  
8  
9 referenced therein speak for themselves and no response regarding the allegations concerning the  
10  
11 documents' content is required. DBNT lacks sufficient information to form a belief as to the  
12  
13 truth or falsity of the remaining allegations in Paragraph I.1, and on that basis denies them.  
14

15 2. Answering Paragraph I.2 of the Complaint, DBNT responds that the documents  
16  
17 referenced therein speak for themselves and no response regarding the allegations concerning the  
18  
19 documents' content is required. DBNT lacks sufficient information to form a belief as to the  
20  
21 truth or falsity of the remaining allegations in Paragraph I.2, and on that basis denies them.  
22

23 3. Answering Paragraph I.3 of the Complaint, DBNT responds that the documents  
24  
25 referenced therein speak for themselves and no response regarding the allegations concerning the  
26  
27 documents' content is required. DBNT lacks sufficient information to form a belief as to the  
28  
29 truth or falsity of the remaining allegations in Paragraph I.2, and on that basis denies them..  
30

31 4. Answering Paragraph I.4 of the Complaint, DBNT admits that it did not originate  
32  
33 the loan that is the subject of this action, and that it is the holder and owner of the original  
34  
35 Promissory Note executed by Plaintiff, dated April 1, 2006, in the principal amount of \$315,000,  
36  
37 which is secured by a Deed of Trust encumbering the real property described therein. DBNT  
38  
39 further admits that it is the trustee of GSR Mortgage Trust 2006-0A1, Mortgage Pass-Through  
40  
41 Certificates, Series 2006-0A1 ("the Trust"). DBNT admits that this Court has jurisdiction over  
42  
43 this matter. Except as admitted, DBNT denies the allegations in Paragraph I.4 of the Complaint.  
44

45 5. Paragraph I.5 of the Complaint concerns a party dismissed from this action, and  
46  
47 thus no answer is required. To the extent an answer is required, DBNT admits that Homeward  
48  
49 Residential, Inc. has at times been the servicing agent for the Trust, and Homeward has been  
50  
51

1 authorized to act on behalf of the Trust, including as attorney-in-fact. DBNT lacks sufficient  
2 information to form a belief as to the truth or falsity of the remaining allegations in Paragraph  
3 I.5, and on that basis denies them.  
4  
5

6  
7 6. Paragraph I.6 of the Complaint states legal conclusions requiring no answer. To  
8 the extent an answer is required, DBNT does not dispute that this Court has jurisdiction over this  
9 action.  
10  
11

12  
13 7. Answering Paragraph II.1 of the Complaint, DBNT responds that the documents  
14 referenced therein speak for themselves and no response regarding the allegations concerning the  
15 documents' content is required. DBNT lacks sufficient information to form a belief as to the  
16 truth or falsity of the remaining allegations in Paragraph II.1 of the Complaint, and on that basis  
17 denies them.  
18  
19  
20  
21

22  
23 8. Paragraph II.2 of the Complaint contains no allegations.  
24

25 9. Answering Paragraph II.3 of the Complaint, DBNT responds that the documents  
26 referenced therein speak for themselves and no response regarding the allegations concerning the  
27 documents' content is required. DBNT admits that an Assignment of Deed of Trust concerning  
28 the transfer of Deed of Trust at issue in this action was duly required in the Public Records of  
29 King County, Washington. DBNT lacks sufficient information to form a belief as to the truth or  
30 falsity of any remaining allegations in Paragraph II.3 of the Complaint, and on that basis denies  
31 them.  
32  
33  
34  
35  
36  
37

38  
39 10. Answering Paragraph II.4 of the Complaint, DBNT responds that the documents  
40 referenced therein speak for themselves and no response regarding the allegations concerning the  
41 documents' content is required. DBNT lacks sufficient information to form a belief as to the  
42 truth or falsity of any remaining allegations in Paragraph II.4 of the Complaint, and on that basis  
43 denies them.  
44  
45  
46  
47  
48  
49  
50  
51

1           11.     Answering Paragraph II.5 of the Complaint, DBNT responds that the documents  
2  
3           referenced therein speak for themselves and no response regarding the allegations concerning the  
4  
5           documents' content is required. DBNT lacks sufficient information to form a belief as to the  
6  
7           truth or falsity of any remaining allegations in Paragraph II.5 of the Complaint, and on that basis  
8  
9           denies them.

10  
11           12.     Answering Paragraph II.6 of the Complaint, DBNT responds that the documents  
12  
13           referenced therein speak for themselves and no response regarding the allegations concerning the  
14  
15           documents' content is required. DBNT lacks sufficient information to form a belief as to the  
16  
17           truth or falsity of any remaining allegations in Paragraph II.6 of the Complaint, and on that basis  
18  
19           denies them.

20  
21           13.     Answering Paragraph II.7 of the Complaint, DBNT responds that the documents  
22  
23           referenced therein speak for themselves and no response regarding the allegations concerning the  
24  
25           documents' content is required. DBNT lacks sufficient information to form a belief as to the  
26  
27           truth or falsity of any remaining allegations in Paragraph II.3, and on that basis denies them.

28  
29           14.     Answering Paragraph II.8 of the Complaint, DBNT responds that the documents  
30  
31           referenced therein speak for themselves and no response regarding the allegations concerning the  
32  
33           documents' content is required. DBNT lacks sufficient information to form a belief as to the  
34  
35           truth or falsity of any remaining allegations in Paragraph II.8, and on that basis denies them.

36  
37           15.     Answering Paragraph II.9 of the Complaint, DBNT responds that the documents  
38  
39           referenced therein speak for themselves and no response regarding the allegations concerning the  
40  
41           documents' content is required. DBNT lacks sufficient information to form a belief as to the  
42  
43           truth or falsity of any remaining allegations in Paragraph II.9, and on that basis denies them.

44  
45           16.     Answering Paragraph III.1.A of the Complaint, DBNT responds that this  
46  
47           paragraph states only legal conclusions that fails to comply with Fed.R.Civ.P. 8, and therefore no  
48  
49  
50  
51

1 answer is required. To the extent an answer is required, DBNT denies that Plaintiff is entitled to  
2  
3 the requested relief, and further denies Plaintiff's summary of relevant legal authority.  
4

5 17. Answering Paragraph III.1.B of the Complaint, DBNT responds that this  
6  
7 paragraph concerns a claim that the Court has dismissed, and thus no response is necessary. To  
8  
9 the extent a response is required, DBNT denies.  
10

11 18. Answering Paragraph III.1.C of the Complaint, DBNT responds that this  
12  
13 paragraph states legal conclusions concerning other parties, and thus no response from DBNT is  
14  
15 required.  
16

17 19. Answering Paragraph III.1.D of the Complaint, DBNT responds that this  
18  
19 paragraph states legal conclusions concerning other parties, and thus no response from DBNT is  
20  
21 required.  
22

23 20. Answering Paragraph III.1.E of the Complaint, DBNT responds that this  
24  
25 paragraph states legal conclusions concerning other parties, and thus no response from DBNT is  
26  
27 required.  
28

29 21. Answering Paragraph III.1.F of the Complaint, DBNT responds that this  
30  
31 paragraph states legal conclusions concerning a party that has been dismissed from this action,  
32  
33 and thus no response from DBNT is required.  
34

35 22. Answering Paragraph III.1.G of the Complaint, DBNT responds that this  
36  
37 paragraph states legal conclusions concerning a party that has been dismissed from this action,  
38  
39 and thus no response from DBNT is required.  
40

41 23. Answering Paragraph III.2.A of the Complaint, DBNT responds that this  
42  
43 paragraph states legal conclusions concerning other parties, and thus no response from DBNT is  
44  
45 required. To the extent an answer is required, DBNT denies Plaintiff's legal conclusions and any  
46  
47 purported statements of fact as incomplete and inaccurate.  
48  
49  
50  
51

1           24.     Answering Paragraph III.2.B of the Complaint, DBNT responds that this  
2  
3 paragraph states legal conclusions concerning other parties, and thus no response from DBNT is  
4  
5 required. To the extent an answer is required, DBNT denies that Plaintiff is entitled to the  
6  
7 requested relief.  
8

9           25.     Answering Paragraph III.3.A of the Complaint, DBNT responds that this  
10  
11 paragraph states legal conclusions requiring no answer. To the extent a response is required,  
12  
13 DBNT denies the allegations in Paragraph III.3.A.  
14

15           26.     Answering Paragraph III.3.B of the Complaint, DBNT responds that this  
16  
17 paragraph states legal conclusions requiring no answer. To the extent a response is required,  
18  
19 DBNT denies the allegations in Paragraph III.3.A.  
20

21           27.     Answering Paragraph III.4 of the Complaint, DBNT restates its responses above  
22  
23 to the allegations contained Paragraphs I.1 through III.3.A of the Complaint. DBNT further  
24  
25 responds that Paragraph III.4 contains incomplete legal conclusions requiring no response.  
26

27           28.     Answering Paragraph III.4.A of the Complaint, DBNT denies all factual  
28  
29 allegations directed at DBNT. The remainder of Paragraph III.4.A contains incomplete legal  
30  
31 conclusions requiring no response.  
32

33           29.     Answering Paragraph III.5.A of the Complaint, this paragraph concerns claims  
34  
35 that have been dismissed from this action, therefore no response is required. To the extent a  
36  
37 response is required, DBNT denies the allegations.  
38

39           30.     Answering Paragraph III.5.B of the Complaint, this paragraph concerns claims  
40  
41 that have been dismissed from this action, therefore no response is required. To the extent a  
42  
43 response is required, DBNT denies the allegations.  
44

45           31.     Answering Paragraph III.5.C of the Complaint, this paragraph concerns claims  
46  
47 that have been dismissed from this action, therefore no response is required. To the extent a  
48  
49 response is required, DBNT denies the allegations.  
50  
51

32. DBNT denies the allegations in Paragraph 6.A of the Complaint.

33. DBNT denies the allegations in Paragraph 6.B of the Complaint.

34. DBNT denies the allegations in Paragraph 6.C of the Complaint.

35. Answering the "Request for Relief" in the Complaint, DBNT denies that Plaintiff is entitled to any requested relief, or any other relief whatsoever.

### III. AFFIRMATIVE DEFENSES

Having answered the allegations in the Complaint, Defendant DBNT sets forth the following affirmative defenses. By setting forth these affirmative defenses, DBNT does not assume any burden of proof as to any fact issue or other element of any cause of action that properly belongs to Plaintiff. Further, DBNT reserves the right to amend or supplement its affirmative defenses as discovery or further investigation may justify.

1. The Complaint fails to state a claim against Defendant DBNT for which relief can be granted.

2. Some or all of the claims for relief may be barred in whole or in part by equitable doctrines, including but not limited to unclean hands, laches, waiver, avoidable consequences, and/or estoppel.

3. Plaintiff failed to mitigate his damages, if any.

4. Certain of Plaintiff's claims for relief may be barred by the relevant statute of limitations.

5. Certain of Plaintiff's claims for relief or requested damages may be barred by the economic loss doctrine.

6. Plaintiff has failed to identify a justiciable controversy justifying the requested declaratory relief.



8. Plaintiff's claims are barred in whole or in part because he assumed the risk he would not be able to make his mortgage payments as provided for in his contractual obligations.

9. Plaintiff's damages, if any, are a direct result of his breach of contract.

10. Defendant DBNT’ acts and practices were neither “unfair” nor “deceptive” under RCW 19.86 *et seq.*

11. Defendant DBNT is not liable to Plaintiff because DBNT did not engage in unfair or deceptive acts and practices under RCW 19.86 *et seq.* that proximately caused Plaintiff's alleged injury.

12. Plaintiff is not entitled to injunctive relief affecting foreclosure until he reinstates his loan obligation.

13. Plaintiff is not entitled to quiet title because there are no competing claims for ownership.

DATED this 26th day of March, 2013.

By: /s/ Frederick B. Rivera. WSBA #23008

Frederick B. Rivera, WSBA #23008

Perkins Coie LLP

1201 Third Avenue, Suite 4900

Seattle, WA 98101-3099

Telephone: 206.359.8000

Facsimile: 206.359.9000

Email: [FRivera@perkinscoie.com](mailto:FRivera@perkinscoie.com)

**Attorneys for Defendants Mortgage Electronic  
Registration Systems Inc. and Deutsche Bank  
National Trust Co., as Trustee for GSR  
Mortgage Loan Trust 2006-0A1, Mortgage  
Pass-Through Certificates Series 2006-0A1;  
and American Home Mortgage Servicing Inc.  
(now known as Homeward Residential Inc.)**

DEFENDANT DEUTSCHE BANK NATIONAL  
TRUST COMPANY'S ANSWER TO  
COMPLAINT (NO. 2:12-CV-1575 RAJ) – 8

71045-0121/LEGAL26106354.1

**Perkins Coie LLP**  
1201 Third Avenue, Suite 4800  
Seattle, WA 98101-3099  
Phone: 206.359.8000  
Fax: 206.359.9000



**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on March 26, 2013, the foregoing was filed electronically via the Court's CM/ECF systems, which automatically provided notice and service to the following:

Scott E. Stafne  
Stafne Law Firm  
Stafnelawfirm@aol.com  
*Counsel for Plaintiff*

Daniel Allen Womac  
Fidelity National Law Group  
Daniel.womac@fnf.com  
*Counsel for Fidelity National Title Insurance Company*

I certify under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

DATED at Seattle, Washington, March 26, 2013.

By: s/ Frederick B. Rivera  
Frederick B. Rivera, WSBA #23008  
**Perkins Coie LLP**  
1201 Third Avenue, Suite 4900  
Seattle, WA 98101-3099  
Telephone: 206.359.8000  
Facsimile: 206.359.9000  
Email: FRivera@perkinscoie.com